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# General and complete disarmament: small arms

## Note by the Secretary-General

By its resolution 53/77 E of 4 December 1998, operative paragraph 5, the General Assembly requested the Secretary-General to initiate a study as soon as possible, within available financial resources and with any other assistance provided by Member States in a position to do so, on the feasibility of restricting the manufacture and trade of small arms to manufacturers and dealers authorized by States.

Pursuant to that resolution, consultations were held with a group of qualified experts to examine the feasibility of carrying out a study on restricting the manufacture and trade of small arms to manufacturers and dealers authorized by States. The outcome of those consultations is contained in the attached report (see annex).

* A/54/50.

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## Annex

# Report of a consultative meeting of experts on the feasibility of undertaking a study for restricting the manufacture and trade of small arms to manufacturers and dealers authorized by States

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# I. Introduction

1. A consultative meeting of experts was held at United Nations Headquarters on 20 and 21 May 1999 to assist the Secretary-General in ascertaining the feasibility of undertaking a study for restricting the manufacture and trade of small arms to manufacturers and dealers authorized by States. The experts were invited in their individual capacity.

2. The following experts participated in the consultative meeting:

Bjorn Hagelin (Stockholm International Peace Research Institute, Sweden)

Keith Krause (Strategic Studies Programme, Graduate Institute of international Studies, Switzerland)

Jakkie Potgieter (Institute for Security Studies, Pretoria)

Brian Wood (British American Security Information Council, London; also affiliated to Norwegian Initiative on Small Arms Transfers, Oslo)

Robert Wall (Firearms and Explosives Unit, Interpol, France)

3. The discussion of the meeting is reported below.

# II. Scope of the proposed study

4. The terms "manufacturers" and "dealers" are generally used in the following sense. Manufacturers develop, make, assemble, repair or convert small arms and light weapons and ammunition (and components). Manufacturing operations in many cases involve co-production and other licensing arrangements. Dealers in arms are engaged in at least three major types of commercial activity:

(a) Retailers and wholesalers who buy and sell arms;

(b) Brokers who arrange arms deals, i.e., who materially benefit from facilitating a deal;

(c) Transportation agents who arrange the delivery of arms, i.e., who ensure the transport to complete the deal.

5. State authorization of the legitimate activities of arms dealers requires that all three types be effectively regulated. The study should refine appropriate definitions of manufacturers and dealers, including brokers and other individuals and entities involved in international arms transfers.

6. The study should cover the possibility and desirability of licensing and/or regulating the activities of all participants in the production and international transfer of small arms and light weapons and ammunition, including not only manufacturers and dealers but also brokers, transportation agents and financiers. In particular, the different roles and responsibilities of dealers, brokers, transportation agents and financial institutions need to be clarified, especially with a view to finding promising points for policy initiatives.

7. The study should include an examination of available models of state regulation of arms brokering and transportation agents, in particular the registration or licensing of legitimate manufacturers, dealers and brokers, and export licensing and end-use certification for individual international transfers.

8. However, there is growing evidence that significant quantities of arms entering the worst affected regions of armed conflict and human-rights abuse are being transferred there through circuitous routes by arms brokering and transportation agents who have shown themselves to be capable of operating regardless of United Nations mandatory arms embargoes. In addition, although the international community has agreed to exercise restraint and caution when considering arms transfers that may contribute to excessive and destabilizing accumulations of small arms and light weapons and ammunition, there is an increasing body of evidence to suggest that such restraint and caution continues to be undermined by agents brokering and transporting arms from third countries where the authorities currently lack the capacity to properly control arms stocks and transfers.

9. Countries subject to weak export and import controls, vague legal definitions, poor licensing procedures, corruption and a lack of capacity to enforce customs controls provide unscrupulous arms brokering and transportation agents with an opportunity to move arms along clandestine supply routes. These arms brokers and transportation agents, who supply recipients in conflict zones, will try not to directly contravene national laws, at least where they know law enforcement agencies have the capacity to bring this legislation to bear. They are usually able to use foreign "flags of convenience" in their transportation and financing operations, and are able to launder the proceeds from their arms dealings in offshore tax-haven accounts, constantly registering and closing down front companies.

10. The study should cover the production and international transfer of not only small arms and light weapons and ammunition but also parts and components thereof, just as it should examine the manufacture of new weapons and existing stocks available for international transfer. Similarly, it should cover not only the authorization and licensing of the overall activities of participants in the

production and international transfer of small arms and light weapons and ammunition but also the mechanisms for licensing specific transactions.

11. The study should explore (perhaps in cooperation with particular States or through case studies) different national and/or regional systems of regulation, licensing and reporting with a view to promoting the standardization and harmonization of such systems. Comparisons with other regulatory mechanisms for analogous markets (such as the transport of toxic wastes and hazardous products, the regulation of securities and financial markets and institutions, the marking and tracing of weapons and other commercial goods, and treaty instruments containing provisions for judicial cooperation or extraterritorial jurisdiction) should also be examined.

12. Finally, the study should explore the ways and means by which the information generated through national or international licensing and registration schemes could be used in information-exchange and transparency mechanisms, to monitor the compliance of participants in the production and international transfer of small arms and light weapons and ammunition with national and international obligations, and to sanction non-compliance.

## III. Sources of information

13. There is a significant quantity of systematic data potentially available to the United Nations and Member States for aggregate analysis regarding the manufacture of small arms and light weapons and ammunition in most Member States. The only weakness in the coverage of such data for the purposes of the proposed study may be the lack of systematic information on small workshops, backyard manufacturers and other itinerant producers of small arms and explosives.

14. There are also a number of research institutes that to a greater or lesser degree collect and store primary source data on small arms manufacturers. Some of that information appears to be quite comprehensive and reliable. For the purposes of the proposed study, such sources should also be consulted.

15. Many government authorities are likely to hold reliable information on wholesalers and established retailers of small arms, and some may hold similar information on brokering and transportation agents. The study should in any case seek to establish the extent of such information.

16. It appears that many officially recognized commercial associations and respected research institutes also hold relevant and reliable information on all three types of dealers, as do individual researchers known to the United Nations. The study should therefore also seek to gather such information, including in the form of reliable case studies, especially since that would enable consideration of the extent of state regulation of arms dealers.

## IV. Existing state of access to and reporting of information

17. Most Member States have some information about manufacturers and dealers operating under their jurisdiction. In most cases, government authorities dealing with law enforcement, national defence and commerce and industry to a greater or lesser degree routinely hold information on manufacturers of small arms and light weapons within their jurisdiction, and data from such information has been shared with Interpol and other international organizations. The study should secure the cooperation of the relevant government authorities and of Interpol to receive and analyse data on such manufacturing.

18. In addition, manufacturers in many Member States have formed associations and provide data to such associations, as well as to a few marketing agencies. Those associations and agencies may be in a position to consider the provision of information to the United Nations provided such data do not jeopardize commercial confidentiality.

19. Recognizing that the unrestricted proliferation of small arms and light weapons and ammunition can pose a threat to international peace and security, the study should explore ways in which information about manufacture, trade and transit can be made available through an appropriate mechanism and database.

20. Information on arms dealers appears to be less readily available, partly because of the ease with which individuals and companies can buy, sell, broker and arrange the delivery of small arms in many Member States. However, the apparent relative lack of regulation is also a strong reason why the available data on such dealers should be part of the proposed study.

21. At the moment, however, there is little information publicly available on either official or private international transfers and sales of small arms. Relatively good information on major manufacturers is available, but less information is available on licensed production and dealers. With regard to transportation agents, brokers and financiers, very little information is available. Information is, where reported, normally given in aggregate form (either monetary

value or weight), not specified to types or quantities of weapons.

22. Measures to restrict the manufacture, trade and transit of small arms to authorized entities will involve enhanced transparency and information-sharing. The study group should therefore explore specific mechanisms to report and monitor such information. Due regard should be given to the issue of commercial confidentiality, although in the view of the group this does not pose an insurmountable obstacle to enhanced transparency and information-sharing.

## V. Findings

23. The consultative meeting of experts concluded that a study for restricting the manufacture and trade of small arms to manufacturers and dealers authorized by States is both feasible and desirable, and could help Member States and the international community to promote national and international efforts in addressing the proliferation of small arms and light weapons. Such a study need not be excessively time-consuming or detailed, and could clarify some important technical and legal issues as well as offer recommendations for concrete measures.

24. Given the specialized and technical nature of the subject matter, it is important that appropriate expertise be harnessed for the proposed study.